

04-25-07

178 SAC



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):

Schwarz et al.

Application No.:

09/607,827

Filed:

June 30, 2000

For:

DEVICE AND METHOD FOR THE DETERMINATION  
OF THE QUALITY OF SURFACES

Examiner

Gordon J. Stock, Jr.

Art Unit:

2877

Confirmation No.:

2208

Customer No.:

27,623

Attorney Docket:

548.0011USU

Mail Stop Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Office of Petitions

**PETITION FOR REVIVAL OF PATENT APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

The above-identified application became abandoned for failure to timely file the **Amendment** in reply to the **Office Action** mailed on **October 19, 2006** which sets a **three (3) month** period for reply. The abandonment date of this application is **April 20, 2007**.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A grantable petition requires the following items:  
(1) Petition fee;  
(2) Reply and/or Issue Fee;

- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$665.00 (37 CFR §1.17(m))  
☐ Small entity statement enclosed herewith.  
☐ Small entity statement previously filed.

☒ Other than small entity - fee \$1,330.00 (37 C.F.R. §1.17(m))

2. Reply and/or Fee

A. The reply to the above-noted Office Action in the form of an **Amendment** (identify type of reply):

☐ has been filed previously on \_\_\_\_\_ .  
☒ are enclosed herewith.

B. A firm check for \$2,520.00 covering the following fees:

- (1) \$ 1,020.00 for three month extension of time fee;
- (2) \$ 1,500.00 petition fee.

☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

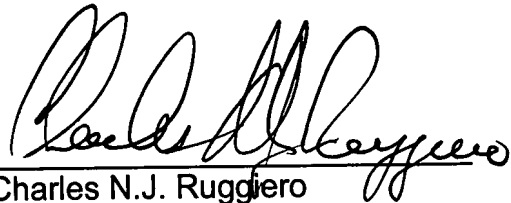
4. Verified Statement

Applicant hereby states that the entire delay in the filing of the Amendment from April 19, 2007 until the filing of this petition under 37 CFR 1.137(b) was unintentional.

Applicant hereby declares that all statements made herewith of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**XXX** The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or credit any overpayment, to **Deposit Account No. 01-0467**. A duplicate copy of this Form is enclosed.

April 20, 2007  
Date

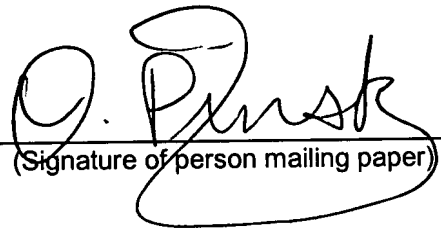


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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Certificate No. **EL903994756US**, service under 37 CFR §1.10 and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Office of Petitions on April 20, 2007.

Olga M. Pinsky  
(Typed name of person mailing paper)

  
(Signature of person mailing paper)